

PC SCAN

If you need additional space for ANY section, please attach an additional sheet and reference that section.

RECEIVED
DJ

8/15/2019

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURTUNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**FILED**

BG

12/23/2019

THOMAS G. BRUTON
CLERK, U.S. DISTRICT COURTJames Lee Dorsey(Enter above the full name
of the plaintiff or plaintiffs in
this action)

vs.

Case No: 18-cv-05772
(To be supplied by the Clerk of this Court)Michelle WilliamsSergeant: TaylorLieutenant: M.S. BishopKaren R. BideauWarden: Randy PfisterJohn R. Baldwin (Director)(Enter above the full name of ALL
defendants in this action. Do not
use "et al.")

Judge: Andrea R. Wood

CHECK ONE ONLY:

AMENDED COMPLAINT☒ COMPLAINT UNDER THE CIVIL RIGHTS ACT, TITLE 42 SECTION 1983
U.S. Code (state, county, or municipal defendants)☐ COMPLAINT UNDER THE CONSTITUTION ("BIVENS" ACTION), TITLE
28 SECTION 1331 U.S. Code (federal defendants)☐ OTHER (cite statute, if known)**BEFORE FILLING OUT THIS COMPLAINT, PLEASE REFER TO "INSTRUCTIONS FOR
FILING." FOLLOW THESE INSTRUCTIONS CAREFULLY.**

(2)

(Amended Complaint)

Plaintiff: James Lee Dorsey, (Prose) Files this Amended Complaint against, Defendants: Michelle Williams SGT. Taylor, LT. Bishop, Mr. Starky, Karen RABIDEAU Randy Pfister, Former Director of (I.D.O.C) John R. Baldwin Collectively as follows:

(1)

Nature of Case

This is a civil action authorized by 42 U.S.C. § 1983 to redress the deprivations under Color of State Law secured by the Constitution of the United States, for Retaliation Against Plaintiff for redressing Grievance and Civil Suits, on information and belief, During relevant times Plaintiff has and continued to be retaliated against by Stateville Correctional Center staff, and has adopted a policy or a custom, that infringed upon the 1st Amendment Rights of Plaintiff, by Retaliating Against Plaintiff.

(2)

Defendants: Michelle Williams, SGT. Mr. Taylor, LT. Ms. Bishop Mr. Starky, Karen RABIDEAU, Randy Pfister John-Baldwin are or were employees of (I.D.O.C) Each of them continuously violated Plaintiff's 1st Amendment Rights and inflicted Emotional Distress upon Plaintiff.

(3)

(Parties)

(3) Plaintiff: James Lee Dorsey is an individual and a citizen of Illinois, who is (and at all times mentioned herein) a prisoner of the state of Illinois, in the custody of (I.D.C.) Plaintiff J.D.# is R03996, Plaintiff is currently imprisoned at Stateville Correctional Center, P.O. Box 112.

(4) Defendant: Michelle Williams is an individual and on information and belief a citizen of Ill, during the relevant period Defendant Williams was a Correctional officer at Stateville C.C. and on information and belief an employee or agent of (I.D.C.) During the relevant times was acting under color of law and within the scope of her employment is being sued in her official and individual capacities for Monetary relief.

(5) Defendant: Sergeant Mr. Taylor is an individual and on information and belief, a citizen of Ill, during the relevant period, Defendant was a Sergeant, at Stateville C.C. and on information and belief an employee, or agent of (I.D.C.) During the relevant times, as Sergeant Mr. Taylor runs the daily operations of his assigned cell house and in his supervisory authority is responsible not only for the safety of his staff, but is also responsible for the safety of all inmates under his watch. Mr. Taylor became personally involved when he condoned, turned a blind eye, and facilitated the actions

(4)

of Defendant: Michelle Williams, and impeded THE investigation By Giving false statements, to protect Defendant Williams Defendant: Taylor was acting under color of state law and within the scope of his employment and is being sued in his official and individual capacities for monetary relief

(6) Defendant: Ms. Bishop, is a individual and, on information and belief, a citizen of Ill, During the relevant period Defendant, Bishop was a lieutenant at Stateville C.C. and on information and belief, an employee or agent of (I.D.O.C) During the relevant times, as lieutenant, Ms. Bishop oversees the daily operations of her assigned cell house and in her supervisory authority; became personally involved when she condoned, turned a blind eye, and facilitated the actions of Defendant: Michelle Williams, and impeded THE investigation By Giving False statements, to protect, Defendant - Williams. Defendant: Bishop was acting under color of state law and within the scope of her employment and is being sued in her official and individual capacities for monetary relief.

(7) Defendant: Mr. Strack is an individual and on information and belief, a citizen of Ill, During the relevant period Defendant: Strack was a correctional officer assigned to the Internal Affairs Unit and was responsible for investigating staff misconduct; and had the authority to

(5)

Have Defendant: Williams Disciplined, During the Relevant Period. Defendant: Stucky was acting under color of state law and within the scope of his employment when he condoned, turned a blind eye and facilitated the actions of Defendant: Williams. Stucky is being sued in his official and individual capacities for monetary relief.

(8) Defendant: Karen Rabideau, is an individual and on information and belief a citizen of Ill. During the relevant period, Defendant: Rabideau was the placement officer at Stateville-C.C. and on information and belief, an employee or agent of (I.D.O.C.) and was solely responsible for placing inmates in cells with other inmates. Defendant: Rabideau knew the history and aggression of each inmate at Stateville-C.C. and knew exactly what inmates were troublemakers and posed a threat to other inmates and staff. During the relevant period, Defendant was acting under color of state law within the scope of her employment and is being sued in her official and individual capacities for monetary relief.

(9) Defendant: Randy Pfister, is an individual and, on information and belief a citizen of Ill. Defendant: Pfister was warden of Stateville-C.C. and on information and belief an employee for (I.D.O.C.) During the relevant period, as warden, Pfister was responsible for the implementation, oversight, supervision and responsible for the health and safety of all inmates under his

(6)

Watch, Further, Prisoner implemented a policy or custom of ignoring inmates' complaints and grievances regarding staff misconduct, Prisoner acted under color of state law and is being sued in his individual and official capacities for monetary relief.

- (10) Defendant: John R. Baldwin, is an individual and an inmate and Belief a citizen of Ill, Defendant Baldwin was Acting Director of (I.D.O.C), Baldwin is responsible for overseeing all (I.D.O.C) operations, and has allowed I.D.O.C to enforce policies or customs to Deny inmates complaints and grievances, specifically Plaintiff, Defendant Baldwin was acting under color of state law and is being sued in his official capacity for prospective relief.

(FACTS)

- (11) Plaintiff is suing each Defendant for Retaliation and intentional infliction of emotional distress, in violation of 42 U.S.C § 1983, 1st amendment Deprivation

(12) (Motivating Factors)

Prior to 9/8/16, Plaintiff had (4) civil suits pending against stateville state, and had filed over (50) grievances against state.

(7)

(13) Plaintiff: must show (3) things to prove he was illegally retaliated against, by named Defendants.

(a) Protected Conduct:

(b) Adverse action

(c) Causal Connection.

(14) (Statement of claim)

Count (I)

Violation of 42 U.S.C. § 1983 - Retaliation

Violation of the 1st Amendment.

Note: Prior to 9/8/19, Defendant: Michelle Williams

(a) refused to let plaintiff out for a visit from family

(b) Interfered with plaintiff's medical treatment by giving false information medical staff by giving false information causing plaintiff to miss his appointment.

(15) on 9/8/16, plaintiff was housed in stateville cas Delta House, where he has been housed since (2009) Delta was a low aggression cell house, plaintiff lived in cell (139)

(16) Cell (139) sits directly in front of the entrance, may be 10-15 feet away.

(17) Defendant: Williams, was the Door officer and was in possession of the key for (13) Ballcap

(8)

(18) Plaintiff: In front of Defendant Williams that he has a medical pass.

(19) Defendant: Williams states So what and refuses to let plaintiff out for his medical appointment. Defendant Williams then walks directly in front of cell (139) and starts a conversation with her supervisor Lt. Bishop and officer Brown.

(20) Plaintiff: then calls out to Lt. Bishop, informing her that he has a medical appointment. Lt. Bishop states Sgt. Taylor has the key, Sgt. Taylor at the time was on a Higher Gallery.

(21) Sgt. Taylor: then comes down to (1) Gallery about (10) minutes later, he then joins the ongoing conversation between Defendants: Bishop, Williams and officer Brown.

(22) Plaintiff: Then calls out to Defendant: Taylor (3) times, He ignores plaintiff. Plaintiff yells out, I have a medical appointment. Defendant: Taylor states Ms. Williams has the key for (1) Gallery.

(23) Plaintiff: states to Defendant: Taylor, Ms. Williams is refusing to let me out for my medical appointment.

(24) Plaintiff: is then (verbally) attacked by Defendant Williams in front of Defendant: Taylor, Bishop and officer Brown, and multiple (minutes) stating the following-

(9)

- (A) Dorsey, "You're a snitch" (B) "You Tell Everything!"
 "You Can't Hold Water, you snitch!" (C) Motherfuckers
 Be swing for stupid shit!! (D) "I can't stand your ass!"
 (E) "I'm going to beat your ass!"

(25) Plaintiff: immediately files Grievance and Formal Complaint and request for investigation against Defendants Williams, Taylor, Bishop and officer Downer, Defendant Stacky is assigned to investigate.

(26) 9/22/16: as a result of the formal complaint/requesting for an investigation into the conduct against Plaintiff on 9/8/16.

(27) Plaintiff: is met with Disdain, Hostility, Bias, and Prejudice, from Defendant: Stacky, Stacky's mind was made up. Stacky calls Plaintiff a Gang Banger, A trouble maker, Stacky states He was not going to believe Plaintiff's word over his officers.

(28) Defendant: Stacky then tells Plaintiff that He is going to move Plaintiff. Plaintiff, states to Stacky, I can't just be moved anywhere, we have a lot of enemies and I will not be safe, Stacky states. my officers safety comes first!

(29) 9/23/16: Plaintiff is on special needs yard, Plaintiff is approached by officer: Mr. Green, Green says to Plaintiff Dorsey you're going back to the cell house to pack

(10)

Jack Property, you're moving to (Brow House)

- (30) Plaintiff: is then escorted back to Delta House, officer states to plaintiff: Dorsy I had nothing to with this Lt. Bishop. Sgt. Taylor and Ms. Williams, says you're a trouble maker because of the grievances and lawsuits, you have a must staff. Facer then states to plaintiff, "Please" Don't mention my name, I will be leaving stateville soon, and be careful.

- (31) Plaintiff is then kicked out and banned from Delta house where he has been housed since (2009) and was a low aggression cell house, plaintiff is then placed in (Brow house), at that time was known for high aggression and a high level of gang activity and plaintiff had multiple enemies.

- (32) Defendant: RABIDEN, the places plaintiff in cell (228) this cell was infested with roaches and spiders

- (33) 9/28/16: Defendant: RABIDEN then knowingly placed inmate: ICE CRATION # U53788 in the cell with plaintiff (Brow house) Sgt. Dethrow states to plaintiff: Ms. RABIDEN, must have you on her "shitlist" This guy is trouble: Dorsy you will not be able to live with him.

- (34) Inmate: CRATION had a known history of assaults and was extremely unstable.

(11)

(35)

(Actions of Inmate, Cration)

Note: Plaintiff, then and now Sufferer from P.T.S.D and is Bipolar

- (A) Slammed his T.V. on the floor, from the Top Bunk
- (B) would urinate on the floor and the Toilet, each Time Plaintiff cleaned cell.
- (C) stood over Plaintiff and paced the floor nightly at (1-3AM) as plaintiff tried to sleep.
- (D) Refused to step aside as plaintiff attempted to walk pass.
- (E) often stated that He (Cration) Didn't care about Dying in Jail, and He didn't care about killing some one else.
- (F) often stated He was a Gang chief
- (G) Inmate: (Cration) would repeatedly Bounce up and Down on His Bunk as Plaintiff attempted to sleep Plaintiff's Bunk was Directly under (Cration's)
- (H) Plaintiff: witnessed a Heated Verbal Confrontation between Inmate: Cration and Sgt: Dethrow over the Barber Shop list. Inmate: Cration threatened to Have Sgt: Dethrow's Family killed.
- (I) Plaintiff: was force to live in the cell with Inmate Cration from 9/28/16-12/1/16. Defendant: RAB Dery Refused to separate Plaintiff from Cration.

(12)

Count (I)

Violation of 42 U.S.C. § 1983 - Equal Protection Retaliation

- (36) Plaintiff: Recollates and incorporates by reference each and every Allegation Contained in Paragraphs (1-37)
- (37) AS A DIRECT RESULT of plaintiff's filing Grievances with (I.D.O.C) and seeking REDRESS of His Complaints Through THE Courts, Defendants Have engaged in prolonged and Sustained Retaliation against Plaintiff.
- (38) Upon Information and Belief, THE Conduct of Defendants Including THE Conduct Alleged in Paragraphs (27-35) Was Done Intentionally and in Retaliation To Complaints and Grievances Filed by plaintiff Directly against the Defendants and/or Retaliation For plaintiff's Filing of Complaints and Grievances Against THE Defendants and I.D.O.C Co-workers
- (39) Upon Information and Belief stateville, inmates that Have NOT Filed Grievances or Complaints against Defendants Have Received TOTALLY Different Treatment, and Have NOT Been Targeted as plaintiff was and is To date.
- (40) THE Defendants Conduct Constitutes Retaliation Against Plaintiff For engaging in Constitutionally Protected Activity And is a Violation of plaintiff's Equal Protection Rights Under 42 U.S.C. § 1983.

(13)

Count (II)

(Intentional Infliction of Emotional Distress under)
(Illinois law)

- (41) Plaintiff realleges and incorporates by reference each and every allegation contained in paragraphs (1-40)
- (42) at all relevant times, the Defendants maintained positions of authority or dominance over plaintiff and therefore, knew or should have known plaintiff was susceptible to emotional distress.
- (43) The acts and omissions of Defendants as set forth above were extreme and outrageous. Defendants acted intentionally and willfully caused or acted with knowledge of the high probability that the conduct would cause emotional distress to plaintiff.
- (44) Defendants also breached their under Illinois law to exercise ordinary and reasonable care to preserve the health of plaintiff
- (45) as a result of Defendants acts and omissions, Defendants have directly and proximately caused plaintiff severe emotional distress, resulting in injury to his mind and body, including mental anguish and emotional suffering.

Date: 7/25/19

James Lee Dobby # R03996
Stateville CC Jail, IL
60434, Prison # 112,

[If you need additional space for ANY section, please attach an additional sheet and reference that section.]

(14)

V. Relief:

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

① Compensatory Damages ② Punitive Damages ③ Injunctive Relief
 ④ Attorney Fees and Costs, and any other relief the Court deems
 proper (1st amendment Deprivations)
 (8th amendment Deprivations)

VI. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO

CERTIFICATION

By signing this Complaint, I certify that the facts stated in this Complaint are true to the best of my knowledge, information and belief. I understand that if this certification is not correct, I may be subject to sanctions by the Court.

Signed this 25th day of July, 2019

James Lee Dorsey
 (Signature of plaintiff or plaintiffs)

JAMES LEE DORSEY
 (Print name)

RO3996
 (I.D. Number)

Stateville Correctional Center

Joliet, IL - 60434 - P.O. Box 112
 (Address)

15

United States District Court, For the
Northern District of Illinois, Eastern Division

JAMES Lee DORSEY
Plaintiff/Petitioner

#R03996

Vs.

Michelle Williams, et al
Defendant/Respondent

SCANNED AT STATEVILLE CC and E-mailed
8/15/19 by W 21 pages
date Initials No.

No. 18-cv-05772

PROOF/CERTIFICATE OF SERVICE

TO: Clerk of the U.S. District
Court: Northern District
219 S. Dearborn St.
Chicago, IL 60604

TO: _____

PLEASE TAKE NOTICE that at: _____ AM/PM August 18th, 20 19.
placed the documents listed below in the institutional mail at Stateville CC
Correctional Center, properly addressed to the parties listed above for mailing through the
United States Postal Service.

① Amended Complaint, Civil Rights

Act 42 U.S.C. 1983 E-Filed

Pursuant to 28 USC 1746, 18 USC 1621 or 735 ILCS 5/1-109 I declare, under penalty of perjury
that I am a named party in the above action, that I have read the above documents, and that
the information contained therein is true and correct to the best of my knowledge and belief.

DATED: 7/25/19

1st JAMES Lee DORSEY
Name: JAMES Lee DORSEY
IDOC No. R03996
Stateville Correctional Ctr.
POB 117
Joliet, IL 60434, IL